

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50754 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA PS District- Buxar

OM NATH YADAV Son of Dina Nath Yadav Resident of Village - Angad
Khan Pokhar, P.S.- Bhadeshwar, Dist.- Hoogli (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Kumari @ Chandani Devi Wife of Om Nath Yadav D/O Shiv Shumer Yadav, R/O Vil.- Amaon, P.S.- Narahi, Dist.- Baliyan (U.P.). At present address C/O Gorakh Yadav, Muhalla P.P. Road, P.S.- Buxar (T), Dist.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-08-2019 Heard learned Counsel for the petitioner, learned Counsel for the informant- Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Buxar (Mahila) Police Station Case No. 59 of 2018, disclosing offences under Sections 341/354/354-A(i)/509/498-A/406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, 1961.

The allegation against the petitioner, as per the First Information Report lodged by Chandani Kumari-Opposite Party No. 2, is that her marriage was solemnized with the petitioner on 06.06.2014 and after sometime, dowry, to the tune of Rs.



1,50,000/- was being demanded from the informant and her family members and due to non-fulfillment of the same, the petitioner along with others tortured the informant, physically and mentally, and subsequently ousted the informant from her matrimonial home.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in a concocted case inasmuch as the informant, who is the wife of the petitioner, had filed a matrimonial suit for dissolution of marriage before the Principal Judge, Family Court, Buxar, being Matrimonial Suit No. 1113 of 2019, in which she has deposed that both the parties have compromised amicably and there is no dispute between the informant and her husband. It has further been stated that the wife wants to have a decree of divorce passed in her favour.

Learned Counsel appearing on behalf of the Opposite Party No. 2 vehemently opposed the prayer of anticipatory bail and submits that the deposition of the informant was recorded under coercion and the same was not stated by the informant out of her own free will. He further submits that an application, before the learned Principal Judge, Family Court, Buxar, has been filed to this effect.

After having heard learned Counsel for the parties and



taking into consideration the fact that the informant had filed a matrimonial suit, in which she has deposed that the parties have settled their dispute amicably outside the Court, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Om Nath Yadav, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Mahila) Police Station Case No. 59 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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